

Summary of revisions to S. 1415 made by the Bennett Amendment

1. Clarification regarding delegation of state responsibilities.
 - a. This is a new section that responds to concerns raised by election officials that states would be required to assume election administration responsibilities that they have delegated to the local level.
2. Amendments to remove specific technologies from the bill. S. 1415, Section 3.
 - a. S. 1415 includes references to specific technologies and that states will be required to use in the transmission of registration and balloting materials to UOCAVA voters. (Fax machines for example). The amended language will require the use of mail or electronic means of transmission without mandating technologies that may become obsolete.
3. Amendment to clarify that states are not required to place contact information directly on their ballots. S. 1415, Section 3.
 - a. The bill requires states to dedicate an electronic means of communication for use with UOCAVA voters. It also requires that the email, phone number, fax, website, etc... be printed on materials sent to the voters with registration and balloting materials. There is a concern that this requirement would obligate the states to print the contact information directly on the ballot. The amendment clarifies that the information is to be printed on materials accompanying the ballot and not the ballot itself.
4. Amendment to clarify that states are not limited to only one point of contact for UOCAVA voters. S. 1415, Section 3.
 - a. Election officials are concerned that the original language would overwhelm state election offices and add an unnecessary and time-consuming step in the UOCAVA voting process. The amendment clarifies that states may refer UOCAVA voters to the appropriate jurisdiction within the state for assistance.
5. Amendment to improve privacy protections. S. 1415, Sections 3 and 4.
 - a. The bill's privacy provisions in Sections 3 and 4 are a point of concern because states cannot quantify the obligation it would place on them. To alleviate this concern, the amendment modifies the privacy requirement by inserting the phrase "To the extent practicable".
6. Amendment to add security protections. S. 1415, Sections 3 and 4.
 - a. The expanded use of electronic transmission for delivering registration and balloting materials necessarily raises security concerns. The amendment includes a provision that requires states to ensure that procedures established pursuant to the bill protect the security and integrity of the registration and balloting processes to the extent practicable.

7. Amendment to improve requirement for “time to vote”. S. 1415, Section 5.
 - a. S. 1415 would require states to provide 55 days for the transmission of ballots to and from UOCAVA voters. This is a major point of concern for states and local election officials. The amendment follows the consensus recommendation made at the Rules Committee hearing that the period of time for sending and receiving ballots be 45 days.
8. Amendment to the waiver provision of ballot transmission deadline. S. 1415, Section 5.
 - a. While the Department of Justice is responsible for enforcing the requirements of UOCAVA, S. 1415 gives them no role in waiving what will be UOCAVA’s new mandates. This amendment requires the Presidential designee to consult with the Attorney General prior to approving or denying a requested waiver.
9. Amendment to repeal UOCAVA requirement that a single ballot application be valid for subsequent elections.
 - a. The Help America Vote Act amended UOCAVA to require election officials to treat an absentee ballot request from a UOCAVA voter to be a valid request for the following two general elections. This requires states to send absentee ballots to UOCAVA voters for three general elections based on a single request. Because the military population is extremely mobile, few of these voters remain at the same address for this length of time. Election officials are put in the difficult position of having to mail live ballots to addresses they know to be inaccurate. These ballots greatly increase the administrative burden on election officials and heighten the potential for fraud. The amendment would strike this requirement from the underlying law.
10. Amendment to clarify that HAVA requirement payments remain available. S.1415, Section 12.
 - a. State election officials are concerned that this section of the bill would bar them from receiving any future HAVA requirement payments unless they updated their state plans to incorporate the requirements of this legislation. The amendment clarifies that only money authorized and appropriated pursuant to this bill will be contingent upon states amending their state plans. Existing HAVA requirement funds will not.